

REMARKS

Claims 1-10 and 12-23 are pending in this application. By this Amendment, claim 1 is amended and claims 21-23 are added. Support for the amendments to claim 1 can be found, for example, at lines 20-24 on page 4 of the original specification. Support for new claims 21-23 can be found, for example at lines 13-18 on page 4, lines 15-21 on page 8 and line 32 on page 13 to line 2 on page 14 of the original specification. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims in view of at least the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration, as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicants' representatives by Examiner Hagan at the interview held July 22, 2009 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

The Office Action rejects claims 1, 2, 7, 8, 10, 12, 17, 18 and 20 under 35 U.S.C. §103(a) over U.S. Patent No. 5,848,080 (Dahm) in view of U.S. Patent No. 5,265,107 (Delfyett). Applicants respectfully traverse the rejection.

Dahm in view of Delfyett fail to disclose and would not have rendered obvious "the laser system is configured to generate femtosecond or picosecond pulses with a repetition rate of greater than 10 kHz and a peak pulse power greater than 100 kW," as recited in claim 1

(emphasis added). Dahm is silent regarding the peak pulse power. Delfyett discloses a peak power of 165 W, which is well below the peak power recited in claim 1.

As discussed during the July 22, 2009 personal interview, Examiner Hagan alleged that Applicants are required to provide unexpected results to assert the patentability of the above-recited feature. Applicants respectfully assert that the Examiner is incorrect.

The combination of Dahm in view of Delfyett would result in the structure of a laser that is unable to produce pulses with a peak pulse power greater than 100 kW because none of the components in the applied references are disclosed as capable of producing that power. Therefore, regardless of the propriety of the combination of Dahm and Delfyett, the resulting combination still does not disclose and would not have rendered obvious "the laser system is configured to generate femtosecond or picosecond pulses with a repetition rate of greater than 10 kHz and a peak pulse power greater than 100 kW," as recited in claim 1. Thus, claim 1 is allowable over Dahm in view of Delfyett.

Claims 2, 7, 8, 10, 12, 17, 18 and 20 are also allowable over Dahm in view of Delfyett for at least the same reasons as claim 1, as well as for the additional features the claims recite. Applicants respectfully request withdrawal of the rejection.

Applicants also respectfully assert that claims 21-23 are allowable over the applied references for at least the same reasons as claim 1, from which they depend, as well as for the additional features they recite. Specifically regarding claims 21 and 23, Dahm in view of Delfyett fail to disclose the recited pulse energies.

The Office Action rejects claims 3 and 13 under 35 U.S.C. §103(a) over Dahm in view of Delfyett and in further view of U.S. Patent Application Publication No. 2005/0152426 (Dell' Acqua); rejects claims 4 and 14 under 35 U.S.C. §103(a) over Dahm in view Delfyett and in further view of U.S. Patent No. 3,675,154 (Duguay); rejects claims 5 and 15 under 35 U.S.C. §103(a) over Dahm in view of Delfyett and in further view of alleged

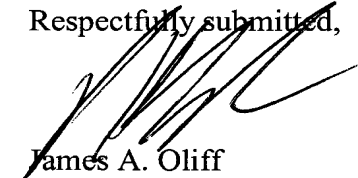
Applicants' Admitted Prior Art (AAPA); rejects claims 6, 16 and 19 under 35 U.S.C. §103(a) over Dahm in view of Delfyett and in further view of Applicants' Admitted Prior Art (AAPA); and rejects claim 9 under 35 U.S.C. §103(a) over Dahm in view of Delfyett in further view of U.S. Patent No. 4,849,036 (Powell). Applicants respectfully traverse the rejections.

The rejections are based on the allegation that Dahm in view of Delfyett disclose or would have rendered obvious all of the features of claim 1. As discussed above, Dahm in view of Delfyett do not disclose and would not have rendered obvious all of the features of claim 1. Because the other applied references fail to cure the deficiencies of Dahm and Delfyett, the rejections are improper. Applicants respectfully request withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: July 27, 2009

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